REMARKS

Claims 1-7 are pending in this application.

Claims 1 and 4 have been amended and claims 8-10 have been added by the present Amendment. Amended claims 1 and 4 and new claims 8-10 do not introduce any new subject matter.

The specification has been amended to correct typographical errors therein and no new matter has been added by the amendments.

DRAWING CHANGES

Applicants propose to amend Figs. 1B and 8B by adding reference numeral "180". The element 180 in Figs. 1B and 8B represents the passivation layer 180 described in the originally filed specification at, for example, page 7, line 21 to page 8, line 8 and page 11, lines 15-21. The addition of reference numeral 180 to Figs. 1B and 8B does not introduce any new matter.

In accordance with 37 C.F.R. § 1.84, Applicants file herewith replacement drawing sheets for amended Figs. 1B and 8B, which have been labeled "Replacement Sheet".

REJECTIONS UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Pub. No. 2003/0223019 ("Kim").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051,

1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Applicant respectfully submits that Kim does not disclose or suggest a storage conductor formed on the gate insulating layer overlapping a portion of a gate line formed on the substrate and a pixel electrode connected to the storage conductor through a contact hole in the passivation layer, as recited in amended claim 1. Therefore, Applicant respectfully submits that claim 1 is not anticipated by Kim. In addition, for at least the reason that claims 2 and 4 depend from claim 1, claims 2 and 4 are also submitted not to be anticipated by the cited reference.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102(a) and that claims 1, 2 and 4 are in condition for allowance.

Reconsideration is respectfully requested of the rejection of claims 5-7 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Pub. No. 2002/0097349 ("Park").

Applicant respectfully traverses the Examiner's rejection of claim 5. Applicant respectfully submits that Park does not disclose or suggest performing impurity implantation using the first portion of the photoresist as a mask to form ohmic contact areas in the semiconductor layer, as recited in claim 5. Therefore, Applicant respectfully submits that claim 5 is not anticipated by Park.

Park states that a gate insulating layer, a semiconductor layer and "an ohmic contact layer 50 made of conductive material such as doped amorphous silicon are

sequentially layered by a chemical vapor deposition method". See ¶ 0051. The ohmic contact layer of Park is a doped conductive material. However, in contrast to the Examiner's assertions, the ohmic contact layer is not doped using a portion 112 of the photoresist shown in Figs. 5B to 5E as a mask. Indeed, as shown in Figs. 5B to 5E, such a process is not possible, since the portion 112 of the photoresist covers the ohmic contact layer patterns 55 and 56, thereby preventing impurity implantation in those areas. In contrast, the "first portion" referred to in claim 5 is shown by, for example, the "B" section of the photoresist PR shown in Figs. 4, 5B and 6B. Referring to Fig. 6B, impurity is implanted into exposed portions of the polysilicon layer using the first portion of the photoresist as a mask. See specification at page 11, lines 7-9. Therefore, Park does not disclose or suggest performing impurity implantation using the first portion of the photoresist as a mask to form ohmic contact areas in the semiconductor layer, as recited in claim 5. Accordingly, it is respectfully submitted that claim 5 is not anticipated by Park.

In addition, for at least the reason that claims 6 and 7 depend from claim 5, claims 6 and 7 are also submitted not to be anticipated by the cited reference.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 5-7 under 35 U.S.C. § 102(a) and that claims 5-7 are in condition for allowance.

REJECTION UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claim 3 under 35 U.S.C. § 103(a) as being *prima facie* obvious without showing that the claimed impurity ranges achieve unexpected results relative to the prior art range.

Applicant respectively submits that claim 3 is allowable for at least the reason that the rejection of claim 3 is legally deficient under 35 U.S.C. § 103(c).

Applicant respectfully submits that the rejection of claim 3 is legally deficient because under 35 U.S.C. § 103(c), Kim is not available as prior art in this situation. More specifically, section 103(c) states that commonly assigned applications that are available as prior art under 35 U.S.C. § 102(e), (f) or (g) are no longer applicable as prior art to the claimed invention in an obviousness rejection. In particular, 35 U.S.C. § 103(c) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Further, as set forth in MPEP 706.02(l)(1), for applications filed on or after November 29, 1999, subject matter that was 35 U.S.C. § 102(e) prior art under former 35 U.S.C. § 103 is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, the provisions of 35 U.S.C. § 103(c) are applicable to disqualify the Kim reference as prior art for the rejection of claim 3 under 35 U.S.C. § 103(a).

First, Kim is available as prior art to the present application only under 35 U.S.C. § 102(e). Indeed, Kim was published on December 4, 2003, which is after the effective filing date of Applicant's current application, March 13, 2003. Applicant notes that, pursuant to sections 2136.03, 706.02(b) and 201.15 of the Manual of Patent Examining

Procedure, M.P.E.P. §§ 2136.03, 706.02(b) and 201.15 (Rev. 2, May 2004), Kim may be precluded from being used as a ground for rejection under 35 U.S.C. § 102(a) if Applicant submits an appropriate English translation of Korean Patent Application No. 10-2003-0015773, filed on March 13, 2003 ("'773 application"). If the Examiner requires, Applicant will file under separate cover an English translation of the certified copy of the '773 application and a statement that the translation is accurate.

Secondly, the instant application was filed after November 29, 1999.

Thirdly, for purposes of common ownership, the current application and the Kim reference were, at the time the invention of the instant application was made, owned by the same entity, Samsung Electronics Co., Ltd.

Therefore, section 103(c) is applicable and the Examiner cannot rely on Kim to support the current claim rejections under 35 U.S.C. § 103(a). Accordingly, the claim rejections under 35 U.S.C. § 103(a) are legally deficient on their face and, consequently, must be withdrawn. As such Applicant respectfully submits that the rejection of claim 3 under 35 U.S.C. § 103(a) is legally deficient that Examiner withdraw same.

Applicant also respectfully submits that the amendment to independent claim 1 renders claim 1 nonobvious and patentable, and that for at least the reason that claim 3 depends from claim 1, claim 3 is also nonobvious and patentable.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 3 under 35 U.S.C. § 103(a) and that claim 3 is in condition for allowance.